MT LEGISLATIVE HISTORY

Chapter 557 1993

Bill H _____ S 103 Session Laws

~~Original bill~~ & hist. ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	2/8,28	C	Hearing Date(s)	3/1	C
		C		2/25	C
		C			C
		C			C
Date Out	2/28	C		3/2	C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE JUDICIARY COMMITTEE---January 30, 1973

The meeting was called to order by Chairman, Luke McKeon. All members were present. The first bill discussed was SB 103. Senator Groff, sponsor of the bill spoke, explaining the bills and its purposes. He then introduced:

1) Ray Conger, insurance agent, Missoula. Mr. Conger suggested some amendments.
2) Jack Lawson, insurance agent.

Next Sen. Lynch spoke to the committee on SB 263, 262, and 271, all sponsored by him. Mr. Chadwick Smith also spoke to the committee on SB 271.

The chairman put the following bills into a subcommittee: SB 103, 262, 263, 271. Senator Harrison will chair the subcommittee and Senators Hall and Zody will be on the subcommittee.

The meeting was adjourned; the meeting for January 31 was cancelled.

Senator Luke McKeon, Chairman

SENATE JUDICIARY COMMITTEE---February 8, 1973

The meeting was called to order by the Chairman, Luke McKeon; all members were present with the exception of Mrs. Hall who was excused. The following bills had action taken on them:

SB 340 Sen. Turnage moved this bill do pass; Sen. Moore seconded the motion; and the committee voted this bill DO PASS.

SB 341 Sen. Turnage moved this bill do pass; Sen. Moore seconded the motion; and the committee voted this bill DO PASS.

SB 356 Sen. Turnage moved this bill do pass; Sen. Moore seconded the motion; and the committee voted this bill DO PASS.

SB 112 Sen. Moore moved that proposed amendments for this bill be adopted; Sen. Gilfeather seconded the motion; and the committee adopted the amendments. (amendments attached)

Sen. Moore moved this bill as amended do pass; Sen. Boylan seconded the motion; and the committee voted this bill as amended DO PASS.

SB 362 Sen. Turnage moved this bill do pass; Sen. Harrison seconded the motion. The bill was discussed and Sen. Gilfeather moved a substitute motion this bill do not pass; Sen. Moore seconded the motion. This motion was killed. The committee voted that this bill DO PASS.

SB 262 Sen. Harrison moved this bill do not pass; Sen. Turnage seconded the motion; and the committee voted this bill DO NOT PASS.

SB 103 Sen. Turnage moved this bill be amended; Sen. Harrison seconded the motion; and the committee voted this bill be amended. (amendments attached)

Sen. Turnage moved this bill do pass as amended; Sen. Boylan seconded the motion; and the committee voted this bill AS AMENDED DO PASS.

SB 80, 81, 331 (no fault bills) Sen. Mathers moved these bill DO PASS with the stipulation that they be held by the House Judiciary Committee over the interim. Sen. Boylan seconded the motion; and the committee voted they DO PASS--WITH THE UNDERSTANDING THAT THEY BE HELD BY THE HOUSE JUDICIARY COMMITTEE OVER THE INTERIM.

The meeting was adjourned; the next meeting is scheduled for Feb. 9.

Senator Luke McKeon, Chairman

My name is Jack Lawson.
— I am from Billings Montana

— I am appearing as a member of the Governmental Affairs Committee of the Trust Assoc. of Insurance Agents to speak on Senate Bill 103 — "Montana Comp. State Govt Plan + Tort Claims Act."
Our Assoc. is on record as favoring the ideas advanced in this bill.
If the bill is to be enacted basically in its present form we have some suggestions and questions concerning the exact wording of the bill which we would like to advance for consideration.
— However, before getting into the wording of the bill we feel there is an issue of overriding importance that must be considered before any such bill can be put in it's final form —
— that issue involves portions of the contained in the bill, and particularly in Sec 11 of the present bill, —
— The issue is Sovereign Immunity —
1. The new Constitution of the State of Mont, as I understand it, has abolished the doctrine of Sovereign Immunity.
This bill seems to attempt to bring back Sovereign Immunity in some degree.

I understand there is a question, ~~—~~ a point of legal concern, that providing Sovereign Immunity for governmental entities cannot be accomplished by legislation but can only be achieved by a Constitutional amendment.

We feel the subject bill attempts to set up an insurance program for the State, and uses Sovereign Immunity ~~—————~~ in certain instances, as a key portion of that insurance program. If ~~and~~ any insurance program is set up ~~—~~ and purchased under such a plan, and then the Sovereign Immunity sections are challenged and possibly overturned, we feel there could be a possible adverse ~~result~~ situation result in a claim involving this insurance program.

We therefore urge the committee to consider ~~separating~~ the insurance program provisions from the Constitutional questions of this bill. We would also urge the committee to consider further study of the insurance programs possibly thru a sub-committee that might be set up for that purpose.

We feel, until the difficult question of Govern Immunity has been resolved, it is not in the public interest to lock the State into an insurance program that encompasses such Immunity as a key feature of the plan.

In the meantime we feel the State should continue to purchase a complete insurance protection plan as, I understand, is authorized by an existing 1971 law.

Our Montana Assoc. of Ins Agents has in the past, and does again volunteer to assist the State in researching and assembling a complete insurance program and guidlines as may desired

by the State or political subdivisions as referred to in this bill.

Again I want to state that our Montana Assoc. of Ins. Agents favors the basic concept of this Insurance Plan & Claim Act.

Our concern is the manner of and timing of the assembling of this Plan — and our first concern is the settlement of the Severn Immunity question.

We again urge further study of the comprehensive insurance plan before such a program is finally settled upon.

Thank you for your attention and consideration.

COMMITTEE ON Judiciary BILL NO. 103

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Oppose
[illegible]	[illegible]		
Ray Penman	Long Tomasi & Associates	✓	
JACK ALLISON	F&A INSURANCE ASSOCIATES	✓	

(Please leave prepared statement with Secretary)

Committee reverted to Representative Marbut's motion that Senate Bill 28 BE CONCURRED IN AS AMENDED. Motion carried with Representative Towe voting no.

SENATE BILL 103 Representative Yardley, acting chairman, summarized this bill on Montana comprehensive state insurance plan and tort claims act. Representative Lucas moved bill BE CONCURRED IN, stating he feels its a well thought out bill, implements the constitution and that explanation by senate members during hearing well done. Representative Bell seconded. Motion carried unanimously.

All business being concluded the meeting adjourned at 10:20 a.m.

DVY:pb

DAN V. YARDLEY, VICE-CHAIRMAN

sample shall be submitted to the state grain laboratory at Great Falls and the balance shall be held in the owner's container. In the event of dissatisfaction on the part of warehousemen or owner either party shall have the right to a final appeal to the state laboratory.

In case of an appeal a one-pint portion of the remainder of the owner's sample shall again be submitted to the state laboratory with a statement of facts of the appeal and a final test in duplicate shall be made by the laboratory. The certificate of the state laboratory of such test shall be final and binding upon both parties in establishing the basis of the price paid by the warehouseman. A fee *commensurate with the cost of* each protein test *shall* be made, to be deducted and paid at the time of final settlement; provided, however, upon written request of owner, no protein test need be made upon said owner's wheat."

Approved: March 20, 1973.

CHAPTER NO. 380

An Act Providing for a Comprehensive State Insurance Plan and Tort Claims Procedure to be Known as the "Montana Comprehensive State Insurance Plan and Tort Claims Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be known and may be cited as the "Montana Comprehensive State Insurance Plan and Tort Claims Act."

Section 2. As used in this act:

(1) "State" means the state of Montana or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

(2) "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, or any other political subdivision or public corporation.

(3) "Governmental entity" means and includes the state and political subdivisions as herein defined.

(4) "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity temporarily or permanently in the service of the governmental entity whether with or without compensation, but the term

employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.

(5) "Personal injury" means any injury resulting from libel, slander, malicious prosecution, or false arrest, any bodily injury, sickness, disease or death, sustained by any person and caused by an occurrence, for which the state may be held liable.

(6) "Property damage" means injury or destruction to tangible property, including loss of use thereof, caused by an occurrence, for which the state may be held liable.

(7) "Claim" means any claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages because of personal injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the state of Montana.

Section 3. The department of administration shall be responsible for the acquisition and administration of all the insurance of the state, as defined herein.

The department of administration shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state, provide a comprehensive insurance plan for the state providing, insurance coverage to the state in amounts not less than the minimum specified in section 7 of this act and shall have the authority to purchase, renew, cancel and modify all policies according to the comprehensive insurance plan. The plan may include property, casualty, liability, crime and fidelity, and any such other policies of insurance as the department of administration may from time to time deem reasonable and prudent.

The department of administration may in its discretion elect to utilize a deductible insurance plan, either wholly or in part. Such a plan shall never have a deductible amount in excess of twenty-five thousand dollars ($25,000) per occurrence, and shall contain provisions allowing for an aggregate deductible amount not to exceed two hundred fifty thousand dollars ($250,000) annually under each type of insurance as enumerated in the preceding paragraph.

Section 4. Only the state department of administration may procure insurance under this act except as otherwise provided herein.

All offices, departments, agencies, authorities, commissions, boards, institutions, hospitals, colleges, universities and other instrumentalities of the state hereafter called state participants shall comply with this act and the insurance plan developed by the department of administration.

Section 5. The department of administration shall apportion the costs of all insurance purchased under this act to the individual state participants and the costs shall be paid to the department.

The department of administration, if it elects to utilize a deductible insurance plan, is authorized to charge the individual state participants an amount equal to the cost of a full-coverage insurance plan, until such time as a reserve in the amount of two hundred fifty thousand dollars ($250,000), the amount of the total aggregate annual deductible, is created. In each subsequent year, the department shall be authorized to charge a sufficient amount over the actual cost of the deductible insurance to replenish such reserves.

Section 6. All political subdivisions of the state shall have the authority to procure insurance under this act.

Section 7. Every policy or contract of insurance purchased by a political subdivision, or the state department of administration for the state as permitted under the provisions of this act, shall provide:

(1) With respect to casualty and liability policies, exclusive of interest and costs, the insurance carrier or carriers shall pay on behalf of the insured governmental entity up to a limit of not less than one million dollars ($1,000,000) in any one (1) occurrence.

(2) With respect to all other types of insurance for the state, the limits of liability and the amounts of insurance shall be determined and set by the department of administration in accordance with the provisions of section 3 of this act.

Section 8. Any insurance policy, rider or endorsement hereafter issued and purchased to insure against any risk which may arise as a result of the application of this act, which contains any condition or provision not in compliance with the requirements of this act, shall not be rendered invalid thereby, but shall be construed and applied in accordance with such conditions and provisions as would have applied had such policy, rider or endorsement been in full compliance with this act, provided the policy is otherwise valid. This section shall not be construed to prohibit any such insurance policy, rider or endorsements from containing standard and customary exclusions of coverages which the depart-

ment of administration deems to be reasonable and prudent upon considering the availability and the cost of such insurance coverages.

Section 9. Notwithstanding any provisions of law to the contrary, all political subdivisions shall have authority to levy an annual property tax in the amount necessary to pay the premium for insurance as herein authorized, even though as a result of such levy the maximum levy as otherwise restricted by law is exceeded thereby; provided, that the revenues derived therefrom may not be used for any other purpose.

Section 10. Every governmental entity is subject to liability for its torts and those of its employees acting within the scope of their employment or duties whether arising out of a governmental or proprietary function.

Section 11. All claims against the state arising under the provisions of this act shall be presented to and filed with the secretary of state within one hundred twenty (120) days from the date of the occurrence from which the claim arose or when the injury should reasonably have been discovered, whichever is later.

Section 12. All claims against a political subdivision arising under the provisions of this act shall be presented to and filed with the clerk or secretary of the political subdivision within one hundred twenty (120) days from the date of the occurrence from which the claim arose or when the injury should reasonably have been discovered, whichever is later.

Section 13. All claims presented to and filed with a governmental entity shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six (6) months immediately prior to the time of the occurrence from which the claim arose. If the claimant is incapacitated and unable to present and file his claim within the time prescribed or if the claimant is a minor or if the claimant is a nonresident of the state and is absent during the time within which his claim is required to be filed, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. A claim filed under the provisions of this section shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature or cause of the claim, or otherwise, unless it is shown that the governmental entity was in fact misled to its injury thereby.

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Section 14. No claim or action shall be allowed against a governmental entity unless the claim has been presented and filed within the time limits prescribed by this act.

Section 15. The governmental entity shall act within sixty (60) days after the filing of the claim, if at all, and notify the claimant in writing of its approval or denial. A claim shall be deemed to have been denied if at the end of sixty (60) days the governmental entity has failed to approve or deny the claim.

Section 16. If the claim is denied, a claimant may institute an action in the district court against the governmental entity in those circumstances where an action is permitted by this act.

Section 17. Every claim against a governmental entity permitted under the provisions of this act shall be forever barred unless an action is begun within two (2) years after the claim is filed with the governmental entity.

Section 18. The governing body of each political subdivision, after conferring with its legal officer or counsel, may compromise and settle any claim allowed by this act, subject to the terms of the insurance, if any.

Section 19. The department of administration may compromise and settle any claim allowed by this act, subject to the terms of insurance, if any.

Section 20. The district court shall have jurisdiction over any action brought under this act and such actions shall be governed by the Montana Rules of Civil Procedure insofar as they are consistent with this act.

Section 21. Actions against the state shall be brought in the county in which the cause of action arose or in Lewis and Clark County. In addition, a resident of the state of Montana may bring an action in the county of his residence.

Actions against a political subdivision shall be brought in the county in which the cause of action arose or in any county where the political subdivision is located.

Section 22. In all actions against the state, the state shall be named the defendant, and the summons shall be served on the secretary of state.

Section 23. Recovery against a governmental entity under the provisions of this act shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee whose negligence or wrongful act or omission gave rise to the claim.

Section 24. Governmental entities shall not be liable for punitive damages, attorney fees or interest on any claim allowed under the provisions of this act.

Section 25. In the event no insurance has been procured by the state to pay a claim or judgment arising under the provisions of this act, the claim or judgment shall be paid from the next appropriation of the state instrumentality whose tortious conduct gave rise to the claim.

Section 26. Notwithstanding any provisions of law to the contrary and in the event there are no funds available, the political subdivision shall levy and collect a tax, at the earliest time possible, in an amount necessary to pay a claim or judgment arising under the provisions of this act where the political subdivision has failed to purchase insurance to cover a risk created under the provisions of this act.

Section 27. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Section 28. No levy of attachment or writ of execution shall issue against any property of a governmental entity for the security or collection of any claim or judgment against any governmental entity under this act.

Approved: March 20, 1973.

CHAPTER NO. 381

An Act Providing for Lowering the Noise Intensity Level from One Hundred (100) to Ninety (90) Decibels in the Occupational Deafness Section of the Workmen's Compensation Act; Amending Section 92-710, R.C.M. 1947; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-710, R.C.M. 1947, is amended to read as follows:

"92-710. **Occupational deafness.** Regardless of other definitions of injury and time limitations imposed by this act, there shall be compensation awarded for occupational deafness as follows:

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APR 30 1975
ENVIRONMENTAL QUALITY COUNCIL

SENATE JOURNAL

OF THE

First Regular and First Special Sessions

OF THE

Forty-Third Legislative Assembly

OF THE

STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing in Regular Session January 1, 1973 and
Ending March 10, 1973, and
Commencing in Special Session March 12, 1973, and
Ending March 24, 1973.

Walter Marshall
John Hansen
Secretary of the Senate

Ellen Reed
Journal Clerk

PUBLISHED BY AUTHORITY

3
STATE PUBLISHING CO., HELENA, MONT.

No.	Title of Bill	Page
101	Introduced by Lynch: A bill for an act entitled: "An act to amend Section 75-7019, R.C.M. 1947, to provide for transportation of pupils living beyond two (2) miles of assigned school."	81, 136, **205.**
102	Introduced by McKeon: A bill for an act entitled: "An act to repeal Section 4-108, R.C.M. 1947, pertaining to the salaries of the State Liquor Administrator and his employees, in its entirety."	87, 144, 159, 178, 196, 202, **225,** 314, 390, 391, 410, 485.
103	Introduced by Groff, Turnage, Lynch, McKeon, Gilfeather, Moore: A bill for an act entitled: "An act providing for a comprehensive state insurance plan and tort claims procedure to be known as the 'Montana Comprehensive State Insurance Plan and Tort Claims Act'."	87, 144, 233, 334, 416, 497, 547, 550, 554, 557, 858, 864, **HA-891,** S-46, 47, 59, 134.
104	Introduced by James, Himsl: A bill for an act entitled: "An act amending Section 75-5933, R.C.M. 1947, providing for the recommendation of the district superintendent, the county high school principal, or other principal, as the school district trustees may deem necessary before hiring personnel."	87, 123, 133, 151, 157, 233, 334, 348, 390, 427, 497, **535,** 810, 813, **HA-842,** 898, 899, 958, S-71.
105	Introduced by James, Himsl: A bill for an act entitled: "An act amending Section 75-6112, R.C.M. 1947, requiring school district trustees to notify the district superintendent or the county high school principal in writing of their intent to terminate his services."	87, 123, 133, 151, 168, **183,** 654, 746, 748, 759, 855.
106	Introduced by Groff, Bertsche, Thiessen, Gilfeather: A bill for an act entitled: "An act to amend Section 75-7204, R.C.M. 1947, to pay each school district's obligation for employer contributions to the Federal Social Security System from the schools district's retirement fund."	87, 144, 205, 213, 237, 250, **258,** 770, 796, **HA-820,** 898, 899, 958, S-71.
107	Introduced by Graham, Sorenson, Hazelbaker, Moritz: A bill for an act entitled: "An act amending Section 53-626, R.C.M. 1947, relating to exemptions from additional truck, trailer, and bus fees; providing that all vehicles lawfully displaying a li-	

Noes: Broeder, Cochrane, Darrow, Deschamps, Goodheart, Himsl, Klindt, McNamer, Moore, Moritz, Northey. Total 11.

Absent and not voting: None.

Excused: Carl. Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 237, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 45.

Noes: None.

Absent and not voting: None.

Excused: Carl. Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 112, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Graham, Groff, Hall, Harrison, Hazelbaker, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 41.

Noes: Broeder, Gilfeather, Himsl. Total 3.

Absent and not voting: Goodheart. Total 1.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 127, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moritz, Nees, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 43.

Noes: Moore, Northey. Total 2.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 103, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 45.

Noes: None.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 133, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 44.

Noes: Moore. Total 1.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 139, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 45.

Noes: None.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 182, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 45.

Noes: None.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 221, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 45.

Noes: None.

Absent and not voting: None.

Excused: Carl, Drake, McCallum, Rosell, Thiessen. Total 5.

Senate Bill No. 238, having been read three several times, was passed by the following roll call vote:

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ENVIRONMENTAL QUALITY COUNCIL

HOUSE JOURNAL

OF THE

First Regular and First Special Sessions

OF THE

Forty-Third Legislative Assembly

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Ending March 24, 1973.

Ed Smith
Chief Clerk

Rosella Wilson
Journal Clerk

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No.	Title of Bill	Page
98	Introduced by McDonald, Lowe, Drake, Keenan: A bill for an act entitled: "An act amending Section 16-2041, R.C.M. 1947, to permit the Board of County Commissioners to use excess amounts from the sinking and interest funds for payment of additional expenses on the project for which a bond was sold."	336, 337, 627, 682, 693, 802
100	Introduced by Lynch: A bill for an act entitled: "An act amending Section 40-3640, R.C.M. 1947, to require that revenues when applying for a new liquor license or for the transfer of a liquor license."	197, 199, 200, 627, 682, 693, 701, 702, 724, 802
102	Introduced by McKeon: A bill for an act entitled: "An act to repeal Section 4-108, R.C.M. 1947, pertaining to the salaries of the State Liquor Administrator and his employees, in its entirety."	271, 272, 306, 320, 345, 346, 430
103	Introduced by Groff, Turnage, Lynch, McKeon, Gilfeather, Moore: A bill for an act entitled: "An act providing for a comprehensive state insurance plan and tort claims procedure to be known as the 'Montana Comprehensive State Insurance Plan and Tort Claims Act'."	595, 600, 804, 845, 908, S-42
104	Introduced by James, Himsl: A bill for an act entitled: "An act amending Section 75-5933, R.C.M. 1947, providing for the recommendation of the district superintendent, the county high school principal, or other principal, as the school district trustees may deem necessary before hiring personnel."	572, 573, 777, 830, 866, 1009
105	Introduced by James, Himsl: A bill for an act entitled: "An act amending Section 75-6112, R.C.M. 1947, requiring school district trustees to notify the district superintendent or the county high school principal in writing of their intent to terminate his services."	226, 231, 647, 682, 699, 802
106	Introduced by Groff, Bertsche, Thiessen, Gilfeather: A bill for an act entitled: "An act to amend Section 75-7204, R.C.M. 1947, to pay each school district's obligation for employer contributions to the Federal Social Security System from the schools district's retirement fund."	308, 311, 735, 736, 788, 820, 1009
107	Introduced by Graham, Sorenson, Hazelbaker, Moritz: A bill for an act entitled: "An act amending Section 53-626, R.C.M. 1947, relating to exemptions from additional truck, trailer, and bus fees; pro-	

Senate Bill No. 103 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Campbell, Clemow, Colberg, Cotton, Driscoll, East, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Shelden, Smith, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 89.

Noes: Burnett, Castles, Lockrem, Seifert, Selstad. Total 5.

Excused: Brand Cox, Kimble, Staigmiller. Total 4.

Absent or not voting: Edland, Marks. Total 2.

Senate Bill No. 127 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bell, Bennetts, Bradley, Brown, Campbell, Clemow, Colberg, Cotton, Driscoll, East, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Shelden, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 85.

Noes: Asbjornson, Barrett, Burnett, Castles, Lockrem, Olson, Seifert, Selstad, Smith, Ulmer. Total 10.

Excused: Brand, Cox, Kimble, Staigmiller. Total 4.

Absent or not voting: Edland. Total 1.

Senate Bill No. 128 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Driscoll, East, Ellerd, Fagg, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Smith, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 90.

Noes: Asbjornson, Burnett. Total 2.

Excused: Brand, Cox, Kimble, Staigmiller. Total 4.

Absent or not voting Edland, Fasbender, Hall, Mehrens. Total 4.

Senate Bill No. 129 was concurred in by the following vote:

Ayes: Baeth, Bardanouve, Baucus, Bennetts, Bradley, Colberg, Cotton, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Greely, Gunderson, Hageman, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kendall, Kessner, Kosena, Laas, Lee, Lien, Lombardi, Lynch, McKittrick, Manuel, Marbut, Mehrens, Menahan,